

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Douglas Hall,	)	
	)	C/A No. 7:11-0143-MBS-SVH
Plaintiff,	)	
	)	
vs.	)	
	)	<b>O R D E R</b>
James Johnson, James McNeil, Buckey.	)	
Sprouse, Brian Bailey,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Douglas Hall currently is detained at the Union County Detention Center in Union, South Carolina on charges of possession with intent to distribute crack cocaine within one-half mile of a park. Complaint 3 (ECF No. 1). Plaintiff, proceeding pro se, filed a complaint on January 19, 2011, alleging that Defendant Johnson of the Union County Sheriff's Department provided a false affidavit to Defendant Sprouse, a magistrate, in order to obtain an arrest warrant. Plaintiff alleges that Defendant McNeil "oversee's all operation." Id. Plaintiff further alleges that Defendant Bailey "was the first on the scene & also lied about seeing me drop the drugs." Id. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights have been violated.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Shiva V. Rogers for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A. On February 10, 2011, the Magistrate Judge issued a Report and Recommendation in which she determined that Plaintiff's complaint failed to state a claim against Defendant Sprouse because he is entitled to judicial immunity, and against Defendant McNeil, because the complaint contains no personal allegations against him. Accordingly, the Magistrate Judge recommended that these

Defendants be summarily dismissed. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. For the reasons stated hereinabove and in the Report and Recommendation, Defendants Sprouse and McNeil are dismissed, without prejudice and without issuance and service of process. The within action is recommitted to the Magistrate Judge for further pretrial handling.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

April 6, 2011